

Message Text

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ACTION DLOS-09

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-11 ISO-00
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CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
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TO SECSTATE WASHDC 9431
INFO AMEMBASSY JAKARTA
AMEMBASSY MANILA

C O N F I D E N T I A L GENEVA 07100

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS: CONSULTATIONS WITH THE PHILIPPINES ON
ARCHIPELAGOS, MAY 4

SUMMARY: US-PHILIPPINES CONSULTATIONS FRIENDLY BUT STILL
SEEKING RESTRICTIONS ON NAVIGATION AND OVERFLIGHT.

1. AT THE REQUEST OF THE PHILIPPINE LOS DEL, US LOS DEL
MET WITH AMBASSADORS TOLENTINO AND INGLES, AND JUDGE
COQUITA, MR. MANANSALA, AND COL. SORIANO, TO DISCUSS THE
QUESTION OF ARCHIPELAGOS. IN RESPONSE TO THE LEADOFF
REMARKS AND QUESTIONS BY AMB. TOLENTINO, AMB. RICHARDSON
INDICATED THE PHILIPPINE AMENDMENTS SIGNIFICANTLY ALTERED
THE BALANCE OF INTERESTS BETWEEN ARCHIPELAGIC STATES AND
MARITIME STATES, UNACCEPTABLY RESTRICTING NAVIGATION AND
OVERFLIGHT. HE INDICATED THAT THE US IS PREPARED TO
ACCEPT THE ARCHIPELAGIC CONCEPT AS CONTAINED IN THE ICNT,
BUT ONLY RPT ONLY IN THE CONTEXT OF A RATIFIED LOS TREATY.
HE FURTHER NOTED THE SIGNIFICANT BENEFITS TO THE ARCHI-
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PELAGIC STATES FROM A TREATY, I.E., INTERNATIONAL
RECOGNITION WHICH THEY DO NOT NOW HAVE.

2. TOLENTINO THEN FOCUSED ON TWO PARTICULAR ASPECTS OF
THE ARCHIPELAGO QUESTION. FIRST, HE WANTED TO LIMIT THE
ROUTES USED THROUGH THE PHILIPPINES. HE NOTED THAT THERE
ARE TWO ENTRY POINTS FROM THE PACIFIC AND THREE FROM THE

SOUTH CHINA SEA. HE WANTED TO ENSURE THAT ARCHIPELAGIC SEALANES PASSAGE DID NOT APPLY THROUGH ALL OF THOSE ENTRANCE POINTS. WE INDICATED THAT WHILE ALL NORMAL ROUTES WOULD BE AVAILABLE FOR ARCHIPELAGIC SEALANES PASSAGE, AND WE COULD NOT AGREE TO CHANGE THE LOS TEXT, UNDER THAT TEXT THERE DID NOT HAVE TO BE UNNECESSARY DUPLICATION. MOREOVER, ONCE THE SEALANES ARE AGREED BY THE ARCHIPELAGIC STATE AND THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMCO), IT IS UNLIKELY ANY STATE WOULD CHALLENGE THEM. THE US WAS PREPARED TO COOPERATE IN ADVANCE WITH THE PHILIPPINES ON DRAWING THE LANES TO BE SUBMITTED TO IMCO. THIS, IN THE US VIEW, WOULD ENSURE THROUGH CONSULTATIONS WITH OTHER MARITIME STATES THAT IMCO WOULD IN FACT ADOPT SEALANES IN A MANNER SATISFACTORY TO THE ARCHIPELAGIC STATE.

3. AMB. TOLENTINO FELT THAT OVERFLIGHT IS ALREADY CONTROLLED BY THE CHICAGO CONVENTION AND THAT LOS SHOULD NOT DEAL WITH IT. HE ALSO EXPRESSED CONCERN THAT AIRCRAFT COULD IN FACT NOT WIND THEIR WAY THROUGH THE PHILIPPINES WITHOUT OVERFLYING LAND, AND CONSEQUENTLY OVERFLIGHT SHOULD NOT BE PART OF THE CHAPTER. THE US SIDE INDICATED THAT OVERFLIGHT WAS PART OF THE PACKAGE. WE WERE NOT SUGGESTING AIRCRAFT COULD OVERFLY THE LAND WITHOUT PERMISSION. WE ALSO NOTED THAT WHEREBY THE CHICAGO CONVENTION REQUIRES THE STATE BEING OVERFLOWN TO SUPPLY NAVIGATIONAL AIDS ON

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ICAO ROUTES, THE LOS TEXT HAD NO SUCH REQUIREMENT; THUS, WE WERE CONFIDENT THAT CIVIL AIRCRAFT WOULD NOT SWITCH ROUTES.

4. COMMENT: WE HAVE HEARD RUMORS IN THE CONFERENCE THAT CERTAIN PARTS OF THE PHILIPPINE DELEGATION WOULD LIKE TO ACCEPT THE ARCHIPELAGO TEXT, BUT WE HAVE NOT BEEN ABLE TO OBTAIN VERY MUCH INFORMATION IN THAT REGARD. ANY INFORMATION DEPARTMENT OR EMBASSY HAS WOULD BE APPRECIATED. OUR OFFER OF COOPERATION IN PREPARING SEALANES WAS SPECIFICALLY DESIGNED TO AID MODERATE FORCES IN PHILIPPINE DEL.

RICHARDSON

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